

PATENT
Attorney Docket No. 915-013.004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Tarmo HYTTINEN : Confirmation No.: **6700**

Serial No: **10/775,545** : Examiner: **Qing Y. WU**

Filed: **February 10, 2004** : Group Art Unit: **2194**

For: **DEVICE AND A METHOD FOR USING AN ENHANCED HIGH PRIORITY
CALENDAR EVENT**

Mail Stop Appeal Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed March 15, 2010. The Notice of Appeal was filed along with a Pre-Appeal Brief Request for Review in response to the final Office Action of December 30, 2009. This Appeal Brief is in response to the Notice of Panel Decision dated April 19, 2010.

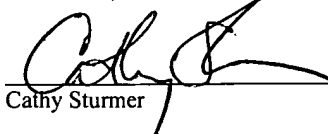
CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Briefs-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

06/23/2010 SZENDIE1 00000017 10775545

01 FC:1402

540.00 0P


Cathy Sturmer

6.18.10
Date

I. REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is Nokia Corporation, a corporation organized under the laws of Finland.

II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c)(1)(ii))

There are no related appeals or interferences.

III. STATUS OF CLAIMS (37 C.F.R. § 41.37(c)(1)(iii))

Claims 1-21 are pending in the application. Claims 1-21 are rejected in the final Office Action of December 30, 2009. The rejection of claims 1-21 is being appealed.

IV. STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))

No after final amendments were submitted, and therefore all amendments filed have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))

Independent claim 1 is directed to a device that includes a memory having a calendar application stored thereon. *See* specification page 14, lines 10-13; Figure 4 (403). The device also includes a control unit configured for browsing the calendar application. *See* specification page 12, lines 19-20 & 25-27; Figure 4 (401). The control unit of the device is also for receiving a high priority event to be added to the calendar application. *See* specification page 14, lines 7-8. The control unit is also configured to perform searching for possible overlapping events in the calendar application as a response to receiving a high priority event. *See* specification page 14, line 28—page 15, line 3. The control unit of the device is also for presenting found one or more overlapping events. *See* specification page 14, lines 8-10; page 15, lines 6-7. The control unit also receives instructions for silencing alarms of the found one or more overlapping events by one command, and silences the alarms of said found one or more overlapping events. *See* specification page 15, lines 7-9.

Independent claim 13 is directed to a method that includes receiving a high priority event to be added to a calendar application. *See* specification page 6, lines 16-17; page 10, lines 5-7.

The method also includes searching possible overlapping events in the calendar application as a response to receiving the high priority event. *See* specification page 7, lines 1-3; page 10, lines 7-8. The method of claim 13 further includes presenting the found one or more overlapping events. *See* specification page 7, lines 14-17; page 10, lines 18-19; page 11, lines 28-29. The method also includes receiving instructions for silencing alarms of the found one or more overlapping events by one command. *See* specification page 8, lines 10-12; page 10, lines 22-25. The method of claim 13 also includes silencing the alarms of the found one or more overlapping events. *See* specification page 8, lines 24-26.

Independent claim 21 is directed to device that includes means for browsing a calendar application. *See* specification page 12, lines 19-20 & 25-27; Figure 4 (401). The device also includes means for receiving a high priority event to be added to the calendar application. *See* specification page 14, lines 7-8; Figure 4 (406). The device further includes means for searching possible overlapping events in the calendar application as a response to receiving a high priority event. *See* specification page 14, line 28—page 14, line 3; Figure 4 (408). The device also includes means for presenting found one or more overlapping events. *See* specification page 14, lines 8-10; Figure 4 (402). The device also includes means for receiving instructions for silencing alarms of the found one or more overlapping events by one command. *See* specification page 14, lines 7-8; page 15, lines 7-8; Figure 4 (406). The device further includes means for silencing alarms of the found one or more overlapping events. *See* specification page 8-10; Figure 4 (408).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(c)(1)(vi))

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as unpatentable over *Nishizawa* (U.S. Appl. Publ. No. 2002/0004734) in view of *Dean et al.* (U.S. Patent No. 6,167,379), and in further view of *Parker et al.* (U.S. Patent No. 7,458,080).

VII. ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))

Rejection under 35 U.S.C. § 103(a) over U.S. Appl. Publ. No. 2002/0004734 in view of U.S. Patent No. 6,167,379 and U.S. Patent No. 7,458,080

Claim 13

Appellant respectfully submits that claim 13 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 13. The cited references, alone or in combination, at least fail to disclose or suggest receiving instructions for silencing alarms of the found one or more overlapping events by one command, and silencing the alarms of the one or more overlapping events, as recited in claim 13. For at least this reason, claim 13 is not disclosed or suggested by the cited references.

The Office acknowledges on page 6 that *Nishizawa* and *Dean* do not teach receiving instructions for silencing alarms of the found one or more overlapping events by one command and silencing the alarms of the found one or more overlapping events, and relies upon *Parker* for this teaching. However, *Parker* also fails to disclose or suggest this limitation of claim 13. Claim 13 specifically recites “receiving instructions for silencing alarms of the found one or more overlapping events by one command.” Therefore, as recited in claim 13, the silencing of alarms is specific to the found one or more overlapping events. This is in contrast to *Parker*, which uses notification profiles to handle the use of notifications in particular situations. However, the notification profiles are not specific to found one or more overlapping events. Instead, the system may incorporate an “off” profile which effectively turns all notifications off, or profiles may provide for certain notification types for only specific notification events. See *Parker* column 6, lines 57-62.

Furthermore, the teachings of *Parker* are incompatible with the teachings of *Dean*, and therefore there would be no motivation for one of skill in the art to combine the teachings of *Parker* and *Dean*. The Office acknowledges on page 3 of the Office Action that *Nishizawa* does not teach presenting the found one or more overlapping events, and relies upon *Dean* for this teaching. *Dean* states that the CPU causes the proposed scheduling date and the stored scheduling data to appear on the display at the same time to enable the user to determine if a scheduling conflict exists. See *Dean* column 6, lines 8-11. The Office asserts on page 9 of the Office Action that in *Parker* events that occur during which a “meeting” or “off” profile are set,

are overlapped by the duration of the event in which the profile applies and are known to be overlapped, and therefore reminders for all of these events are silenced by the act of setting or choosing the profile manually or automatically. However, in contrast claim 13, the Office asserts that the instructions for silencing alarms is the result of selecting a profile, but overlapping events are not determined until the profile is selected. In claim 13, the instructions for silencing alarms are received in response to the presenting of the overlapping events.

The teachings of *Parker* and *Dean* are in conflict, because when the profile in *Parker* is selected either manually or automatically, there is no room for presenting of overlapping events. Instead, the profile is applied to all events during the time the profile is selected. *See Parker* column 9, lines 41-44 (any subsequent notifications are presented to the user according to the selected mode). Therefore, the teachings of *Parker* would make the teachings of *Dean* irrelevant, since there would be presentation of scheduling data to enable the user to determine if a scheduling conflict exists as discussed in *Dean*. For example, upon occurrence of a calendar-related event, *Parker* determines whether a predetermined notification mode has been set for the event. *See Parker* column 9, lines 25-27. If it is determined that a predetermined notification mode has been set for the calendar event, a selected mode is automatically applied to the computer device and any subsequent notifications are presented to the user according to the selected mode. *See Parker* column 9, lines 41-44. Upon the completion of the calendar event, the device is automatically switched back to the previous notification mode. *See Parker* column 9, lines 45-47. Therefore, the notification mode selected in *Parker* is dependent upon what type of calendar event is currently occurring, and the notification mode is applied to the entire computer device.

In contrast to the cited references, claim 13 recites presenting found one or more overlapping events, and receiving instructions for silencing alarms of the found one or more overlapping events by one command. There is no motivation to combine the teachings of *Parker* and *Dean*, because the teachings of the references would be modified to render the references unsuitable for their intended purposes. *See* MPEP § 2143.01 (if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification). For example, in *Parker* the profile is set either manually or automatically because it is desired that the reminders are

presented according to the conditions associated with the profile, and the setting of the profile is completely independent from the overlapping events. In addition, in *Dean* it is desirable that the user determines whether a scheduling conflict exists, because the user is usually in a better position to determine whether a scheduling conflict exists. See *Dean* column 6, lines 22-24. If combined with the teachings of *Parker*, the user in *Dean* would never be presented with a scheduling conflict, since the profile set in *Parker* applies to all events in the computing device. Claim 13 recites that the alarms are silenced for the found one or more overlapping events, and the silencing is in response to finding one or more overlapping events. Therefore, in claim 13, the silencing is specific to the alarms for the one or more overlapping events, and is not applied to the entire computer device as in *Parker*. Accordingly, *Parker* fails to make up for the deficiencies in the teachings of *Nishizawa* and *Dean* identified by the Office, and the cited references fail to disclose or suggest all of the limitations recited in claim 13.

Claims 14-16 and 18-20

Claims 14-16 and 18-20 ultimately depend from independent claim 13, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

Claims 1 and 21

Independent claims 1 and 21 contain limitations similar to those recited in independent claim 13. Therefore, for at least the reasons discussed above with respect to claim 13, claims 1 and 21 are not disclosed or suggested by the cited references.

Claims 2-12 and 17

Claims 2-12 and 17 ultimately depend from independent claim 1, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

For the reasons discussed above, appellant respectfully submits that the rejections of the Office Action have been shown to be inapplicable, and respectfully requests that the Board reverses the rejections to pending claims 1-21. If any additional fee is required for submission of this Appeal Brief, the Commissioner is hereby authorized to charge Deposit Account No. 23-0442.

Respectfully submitted,

Date: 18 Jun 2010



Keith R. Obert
Attorney for the Appellant
Registration No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955

CLAIMS APPENDIX

The claims involved in the appeal are as follows:

1. A device, comprising:
 - a memory having a calendar application stored thereon, and
 - a control unit configured for browsing said calendar application, for receiving a high priority event to be added to said calendar application, for searching possible overlapping events in said calendar application as a response to receiving a high priority event, for presenting found one or more overlapping events, for receiving instructions for silencing alarms of said found one or more overlapping events by one command and for silencing the alarms of said found one or more overlapping events.
2. The device according to claim 1, wherein said control unit is further configured to command a program component to execute said searching for possible overlapping events.
3. The device according to claim 1, wherein said control unit is further configured to command a program component to associate processing alternatives with found overlapping events.
4. The device according to claim 1, wherein said control unit is configured to command a program component to present to a user the found one or more overlapping events with one or more selectable processing alternatives associated to the found one or more overlapping events.
5. The device according to claim 1, wherein said control unit is further configured to command a program component to process the found one or more overlapping events according to received

processing instructions.

6. The device according to claim 1, wherein a high priority event is selectable from a menu of said calendar application.

7. The device according to claim 1, wherein said control unit is for searching a memory block storing removed overlapping calendar events as a response to deleting the high priority event from the calendar application, and recovering found, timely matching, previously removed, overlapping events to the calendar application.

8. The device according to claim 1, wherein said control unit is for comparing time associated to the high priority event to a respective time of said calendar application for finding possible overlapping events from the calendar application.

9. The device according to claim 1, wherein said calendar application is situated in said device using said calendar application.

10. The device according to claim 1, wherein said calendar application is situated in a remote device being connected to said device using the calendar application.

11. The device according to claim 1, wherein the received high priority event is recognized by the control unit of the device.

12. The device according to claim 1, wherein the received high priority event is recognized by the calendar application.

13. A method, comprising:

receiving a high priority event to be added to a calendar application,
searching possible overlapping events in said calendar application as a response to receiving said high priority event,
presenting said found one or more overlapping events,
receiving instructions for silencing alarms of said found one or more overlapping events by one command and,
silencing the alarms of said found one or more overlapping events.

14. The method according to claim 13, comprising adding the received high priority event to the calendar application and processing the one or more overlapping events according to the one or more received processing instructions as a response to a confirmation by a user.

15. A computer readable medium having a program component comprising a computer program stored thereon for handling a calendar application, said program for execution by a computer and adapted to perform the method of claim 13 when said program is run on a computer.

16. A computer readable medium having a program component with instructions stored thereon for execution by a control unit the method of claim 13 when said instructions are run on a computer.

17. The device of claim 1, wherein said control unit is further configured to remove said overlapping event to a memory block for possible later recovery in case of cancellation of an added high priority event.

18. The method of claim 13, further comprising removing said overlapping event to a memory block for possible later recovery in case of cancellation of an added high priority event.

19. The computer readable medium of claim 15, further comprising removing said overlapping event to a memory block for possible later recovery in case of cancellation of an added high priority event.

20. The computer readable medium of claim 16, further comprising removing said overlapping event to a memory block for possible later recovery in case of cancellation of an added high priority event.

21. A device, comprising:

means for browsing a calendar application,

means for receiving a high priority event to be added to said calendar application, means for searching possible overlapping events in said calendar application as a response to receiving a high priority event,

means for presenting found one or more overlapping events,

means for receiving instructions for silencing alarms of said found one or more overlapping events by one command and

means for silencing alarms of said found one or more overlapping events.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.